

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,

Plaintiff,

v.

SHELBY GARIGEN,

Defendant,

**NOTICE OF MOTION
AND MOTION
Case No. 19-CR-206-A**

MOTION BY:

James C. DeMarco III, Esq.
Bengart&DeMarco , LLP
Attorney for Defendant

DATE, TIME, PLACE:

Before the Hon. Richard J. Arcara
United States District Judge
Unites States Courthouse
2 Niagara Square
Buffalo, New York 14202
On a date and time convenient for the Court

SUPPORTING PAPERS:

Affirmation of James C. DeMarco III, Esq.
dated January 21, 2021

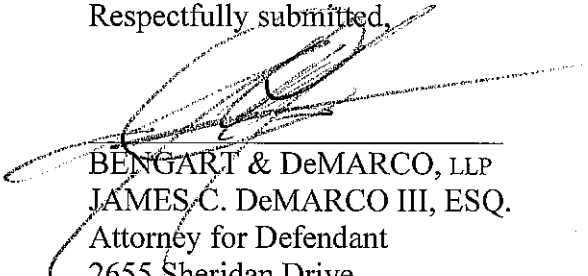
RELEIF REQUESTED:

Permission to withdraw as Defendant
counsel

DATED:

January 22, 2021

Respectfully submitted,



BENGART & DeMARCO, LLP
JAMES C. DeMARCO III, ESQ.
Attorney for Defendant
2655 Sheridan Drive
Tonawanda, NY 14150
(716) 838-1515
jdemarco@bengartdemarcolaw.com

TO: AARON MANGO, ESQ.
ASSISTANT UNITED STATES ATTORNEY

CHARLES MARK KRULY
ASSISTANT UNITED STATES ATTORNEY

LISA B. FERRARO, USPO

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

AFFIDAVIT

v.

Case No. 19-CR-206-A

SHELBY GARIGEN,

Defendant,

STATE OF NEW YORK)
COUNTY OF ERIE) SS:
CITY OF BUFFALO)

JAMES C. DEMARCO III, ESQ., being duly sworn, deposes and says:

1. I am an attorney at law duly licensed to practice in the State of New York and in this Court and am a Partner in the law firm of Bengart & DeMarco LLP, located at 2655 Sheridan Drive, Tonawanda, New York 14150.

2. I represent the defendant, SHELBY GARIGEN, who was charged with access with intent to view child pornography in violation of Title 18, United States Code, Section 2252A(a)(5)(B). The Defendant had plead guilty and was sentence to 37 months of incarceration.

3. I am fully familiar with the facts and circumstances surrounding this case through my investigation of this matter as well as my review of all the pleadings previously filed, in addition to my conversations with the Defendant and members of Attorney Thomas J. Eoannou's firm.

4. This affidavit is made in support of my motion for permission to withdraw as the Defendant's attorney as Thomas J. Eoannou Esq. has been retained by the Defendant.

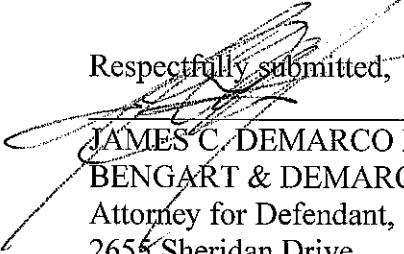
5. I have had conversation with Mr. Eoannou's staff and they confirmed his representation.

6. Mr. Eoannou has file with the court a motion indicating that he has been retained by the Defendant.

WHEREFORE it is respectfully requested that that the court grant my motion allowing the firm of Bengart & DeMarco to withdraw as the Defendant's counsel.

DATED: Buffalo, New York
January 22, 2021

Respectfully submitted,



JAMES C. DEMARCO III, ESQ.
BENGART & DEMARCO LLP
Attorney for Defendant, Shelby Garigen
2655 Sheridan Drive
Tonawanda, New York 14150
(716) 838-1515
jdemarco@bengartdemarcolaw.com